

## REMARKS

The Examiner, in the Official Action, has rejected claims 1, 8, 9 and 16 under 35 USC § 103(a) as being unpatentable over U.S. Patent 5,845,166 to Fellegara in view of U.S. 6,167,469 to Safai and further in view of U.S. 6,133,985 to Garfinkle.

Claims 1, 8 and 9 are independent claims upon which the remaining claims in the present application depend at least ultimately. The present invention is directed to a method for providing image goods or services which involve capturing electronic images and transmitting a low resolution electronic image to a third party at a location remote from the photographer. The low resolution image allows the recipient to be able to place an order with respect to a service provider prior to the service provider receiving the high resolution image either in digital or on photosensitive media that is to be used to provide the requested goods or services. The Examiner acknowledges that Fellegara does not specifically disclose and teach a method of forwarding and identifying data to a service provider prior to execution of providing goods and/or services with respect to images on photosensitive media nor for transmitting electronic images to a third party along with identified data with respect to images transmitted. The Examiner relies on Safai for teaching a method of identifying data to a service provider prior to execution of goods and services. However, this is not the same as the present invention. In Safai they are transmitting the entire image at the time for ordering goods or services. In the present invention, only the low resolution images are being transmitted. The low resolution is not the image that will be used for producing of the goods or services. In Safai, at the time the user sends the images, the order is also sent. See column 13, lines 10-25. Thus, at the time the service provider receives the order, they also receive the images. This is contrary to the present invention wherein only information for ordering of the placing the order is provided initially. At some later point in time the service provider receives the images used to produce the goods or services. There is no teaching or suggestion of providing a low resolution image for placing an order in Safai as taught and claimed by Applicant. The Examiner states "Furthermore, the phrase 'prior to execution of providing goods or services' is obvious. For example, in developing photosensitive media at a physical as well as a virtual

store, one has to provide identifying data ‘prior to execution of providing goods or services’ because the goods or services can not be provided without this information such as number of prints, size, etc.” However, in the present invention, it is the low resolution electronic images that are provided first and only later is the photosensitive media or high resolution images provided to the service provider. Thus, initially the service provider does not have the media or the high resolution image that allows the production of the goods or services to be associated with the images. In the example cited by the Examiner, the customer has already provided everything to the service provider necessary for completion of the order. This is in complete contrast to the present invention.

The Garfinkle reference does not teach or suggest anything which would render Applicant’s invention obvious. In Garfinkle, it is always the high resolution image that is being transmitted. There is no teaching or suggestion of providing the low resolution image prior to the service provider receiving the photosensitive media and/or a high resolution image.

In view of the foregoing, it is respectfully submitted that the remaining claims, which depend at least ultimately upon independent claims 1, 8 and 9 are patentably distinct for the same reasons as the Sheridan reference does not teach or suggest anything which would render the independent claims obvious. Similarly with regard to the rejection of claims 6-7 and 14-15, the Fredlund reference does not teach or suggest anything that would render the independent claims upon which they depend obvious.

In summary, it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,



Frank Pincelli  
Attorney for Applicant(s)  
Registration No. 27,370

Frank Pincelli/phw  
Rochester, NY 14650  
Telephone: 585-588-2728  
Facsimile: 585-477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.